

1 thinking back on it, I cannot say with certainty that every
2 single one was there. I just, my memory just doesn't go to
3 every single quarter from 1991 to 1997.

4 Q Fair enough. The next sentence reads, 'The
5 Program Guide provides all required information regarding
6 programs, local and national, that provided significant
7 treatment of issues of public importance during the quarter,
8 including the time, date, title and duration of all such
9 programs.' Now, correct me if I'm wrong but, I understood
10 that Program Guide to be a projection of what the station
11 intended to broadcast, as opposed to what the station
12 actually did broadcast?

13 A The Program Guides were obviously produced before
14 the quarter began, so the time that the Program Guides are
15 produced, it's a projection of what we will carry. The
16 actual what was carried, it was some very high percentage,
17 in case maybe the transmitter blew up one day or, you know,
18 knocked us off the air or something, so that some specific
19 item in the Program Guide, some specific items perhaps
20 didn't get aired. But, the Program Guide, like you say, is
21 a projection of what should be on in that quarter.

22 Q Now, the next sentence reads, 'Also included in
23 this file for each quarter in the period are lists of issues
24 of public importance that receive significant treatment in
25 nationally produced programs provided to KALW by National

1 Public Radio.' And when the sentence, in the context of
2 this paragraph, talks about included in the file for each
3 quarter in the period, we already went over the one document
4 that was supplied from National Public Radio that reflected
5 that it wasn't even produced until March of 2001. That's
6 when that document was in fact produced, was it not?

7 A True.

8 Q Or created?

9 A Created. Downloaded off the internet.

10 Q Downloaded. So, as far as that goes, in terms of
11 what was in the file in August of 1997, it couldn't have
12 included the one document that we actually looked at, that
13 wasn't even produced or created until March of 2001?

14 A True.

15 Q Now, with respect to other National Public Radio
16 documents, are you aware of whether or not there were other
17 quarters in the license renewal period covered by the August
18 1, 1997 renewal application, where there were no National
19 Public Radio lists when you looked in February, March or
20 April of 2001?

21 A I believe there were and what we did, when we
22 discovered the NPR issue site, we looked for quarters and we
23 just found that there was a quarter for several years back,
24 I don't remember, I don't know how far back it goes, I don't
25 believe -- it obviously was not, given technology there

1 wasn't an NPR internet site back in 1991 or 1992 I'm sure.
2 And with the help of a volunteer we downloaded all quarters
3 that we could find. They were very substantial reports
4 about what NPR did, which obviously are shows that we
5 carried.

6 Q Substantial they are, no doubt. The next sentence
7 reads, 'SFUSD believes and avers that these materials were
8 present in the file on August 1, 1997.' That statement
9 can't be true, can it?

10 A It can't be in that case, since we were, in
11 August, we were saying what Jeff Ramirez certified to on
12 August 1.

13 MR. SHOOK: I'm going to focus on the response to
14 directive number four. Why don't we go off the record for
15 that.

16 (Off the record at 2:26 p.m.)

17 (On the record at 2:27 p.m.)

18 MR. SHOOK: Go back on.

19 BY MR. SHOOK:

20 Q This sentence, the first sentence in response to,
21 well, that KALW SFUSD submitted to the Commission reads,
22 'The present General Manager and Operations Manager of KALW
23 have completely reviewed KALW's Public Inspection File and
24 made sure that it contains all required documents, reports
25 and information through to the present.' The Operations

1 Manager I take it refers to yourself?

2 A I assume so, yes.

3 Q And on or about April 5, 2001 you had completely
4 reviewed KALW's Public Inspection File?

5 A Yes.

6 Q And to the extent you could, you made sure that it
7 contained all required documents, reports and information?

8 A Yes.

9 Q Moving down to the next to the last sentence of
10 that response, 'The Operations Manager has been assigned
11 responsibility for maintaining and keeping the Public
12 Inspection Files up to date.' The Operations Manager
13 referenced there is you?

14 A Yes, it is.

15 Q And as of April of 2001 you had been assigned
16 responsibility for maintaining and keeping the Public
17 Inspection File up to date?

18 A Yes.

19 Q And you have done so?

20 A Yes, I have.

21 MR. SHOOK: Moving on to response number five, we
22 can go off for just a second.

23 (Off the record at 2:29 p.m.)

24 (On the record at 2:30 p.m.)

25 MR. SHOOK: Back on the record.

1 BY MR. SHOOK:

2 Q Mr. Helgeson, with respect to he response that was
3 given to inquiry/directive number five, were you the person
4 that provided that information?

5 A That information was, I would say, agreed to by
6 myself and the Station Manager.

7 Q So, this was something that you and Ms. Sawaya
8 discussed and determined what the answer should be?

9 A From our review of the Public File, yes, it was
10 correct.

11 Q I want to move forward in time to September of
12 2004, so we're almost up to date here. That's right, it
13 means we're getting close.

14 A Oh.

15 MR. SHOOK: Marissa, do you have a copy of the
16 Admissions Response?

17 MS. REPP: Yes.

18 MR. SHOOK: Okay.

19 (Off the record at 2:29 p.m.)

20 (On the record at 2:30 p.m.)

21 MR. SHOOK: Back on the record.

22 BY MR. SHOOK:

23 Q All right. In terms of Admissions Request No. 12
24 and SFUSD's response, what I want to focus on is the very
25 last sentence of that response, which reads, 'The three

1 pages that SFUSD believes constitutes the SFUSD 1993
2 Supplemental Ownership Report are reproduced in Attachment 2
3 hereto.' And counsel for SFUSD just went over with you what
4 those three pages were.

5 A These three pages, yeah.

6 Q And you will note that the second page has a date
7 that reflects when that document was signed by whoever
8 signed it. And that date is December 10, 1997, is it not?

9 A That's what it says, yes.

10 Q Which would certainly suggest that that particular
11 document was created on or about that date?

12 A Yes.

13 Q And were the three pages that constitute
14 Attachment 2 to the Admissions Response gathered by
15 yourself?

16 A Were what gathered by myself again?

17 Q Did you gather the three pages that we're now
18 looking at as Attachment 2 to the Admissions Response?

19 A No.

20 Q Do you know who did?

21 A I don't know. I did not.

22 Q You did not and you don't know?

23 A No.

24 Q Fair enough. Given that the date that appears in
25 the writing is December 10, 1997, what knowledge, if any, do

1 you have as to whether or not there was a 1993 Supplemental
2 Ownership Report reported prior to that time?

3 A I could only assume that there was one created,
4 and an original of that sent to the FCC and a photocopy
5 before it was sent the FCC was put in the Public File,
6 that's what I would assume.

7 Q That's what you would assume but, so far as any of
8 us know, no such document has been produced yet, has it?

9 A Correct.

10 MR. SHOOK: Now, I'd like to go through the same
11 exercise with respect to Response 15 and it's answer. Of
12 the record.

13 (Off the record at 2:39 p.m.)

14 (On the record at 2:42 p.m.)

15 MR. SHOOK: Back on.

16 BY MR. SHOOK:

17 Q Now, counsel for SFUSD has just read to you a
18 response, excuse me, Admission Request No. 15 and then
19 SFUSD's response, and the portion of that response that I
20 would like you to focus on is the very last sentence which
21 reads, 'The three pages that SFUSD believes constitutes the
22 SFUSD 1995 Supplemental Ownership Report are set forth in
23 Attachment 4 hereto.' Did you gather the pages that
24 constitute Attachment 4?

25 A Did I gather them for which document?

1 Q For the Admissions Response that SFUSD made within
2 the last month to the Commission?

3 A I did not gather these.

4 Q Do you know who did?

5 A I do not.

6 Q Now, I take it that you noticed that both the 1993
7 Supplemental Report as provided to the Commission within the
8 last month, as well as the 1995 Supplemental Report both
9 reflect that the documents in question were prepared in
10 December of 1997. Do you have any knowledge as to how it is
11 that two such reports came to be prepared in 1997?

12 A It looks like from the date of the signatures they
13 were prepared in December of 1997. And no, I don't know.

14 Q You personally did not type up either of these
15 reports?

16 A I don't recall typing them up, no.

17 Q Do you recall being directed to type or prepare
18 any such reports in December of 1997?

19 A I don't recall that.

20 Q Going back to December of 1997 and trying to
21 picture who's in the office at the time, we have Jeff
22 Ramirez is the General Manager or Station Manager?

23 A Right, right.

24 Q You're the, well, I guess the next person in the
25 pecking order as the Operations Program Manager?

1 A Yes.

2 Q If you didn't prepare these reports, who is the
3 most likely person to have prepared such a report?

4 A They would have been prepared at the behest of
5 Jeff Ramirez, I would say. And it could have been a
6 volunteer, it could have been Teresa Nguyen, who I
7 mentioned, who was an administrative person in the front
8 office at that time.

9 Q Do you know where she might be at this point?

10 A I don't. She stopped working at KALW and took a
11 job outside of radio and I've lost contact with her.

12 Q What was the last contact that you had with her,
13 roughly?

14 A Several years ago.

15 Q Do you have any reason to know whether she's still
16 in the San Francisco Area?

17 A I'm not certain of her location, I don't know.

18 Q And at that time she was a volunteer?

19 A No, she was an employee.

20 Q Oh, she was an employee, okay.

21 A She was our admin front office, front office
22 administration person. I recall she was working on a
23 graduate degree and so she was working part time.

24 MR. SHOOK: Okay. I may be pretty close to the
25 end, so we can go off the record, I'll confer.

1 (Off the record at 2:46 p.m.)

2 (ON the record at 2:48 p.m.)

3 MR. SHOOK: Back on the record. Okay, I think I'm
4 pretty close to the end.

5 BY MR. SHOOK:

6 Q During the period, I want to focus on the period
7 when you were acting Station Manager the second time around,
8 so this was after Michael Johnson left and about the time
9 that Nicole Sawaya came on as Station Manager. We've
10 already talked about, at length, the letter that came from
11 the Commission, and the directives that were in that letter,
12 there were the five directives, and that you in turn had
13 some role in preparing the responses to those directives.
14 My question at this point is, as acting Station Manager,
15 when the directives from the FCC came to your attention, did
16 you bring that information to the attention of anyone on the
17 School Board?

18 A No, I did not. Just as a procedural, I don't
19 report to the School Board.

20 Q Who would you have reported to?

21 A I would report to my manager at the School
22 District, whoever was overseeing the radio station in the
23 organizational chart.

24 Q And at that point -- sure -- and at that point in
25 time who was that?

1 A Jack, I'm not sure of the exact -- up until --
2 Jackie Wright was the new Director of Public Engagement and
3 Information in early 2001, I want to say approximately in
4 January. Before that it was a gentleman named Acur, and I
5 cannot pronounce his last name very well, so I'm not going
6 to even try --

7 Q That's okay.

8 A -- who was the School District Administrator.

9 Q But given that this letter from the Commission was
10 dated in February 2001, it would have been when the first
11 person --

12 A Jackie Wright, yeah.

13 Q -- Jackie Wright was there. Did you bring to
14 Jackie Wright's attention the directives that had come from
15 the FCC by that February 2001 letter?

16 A I don't recall.

17 Q Did you bring to Jackie Wright's attention the
18 responses that KALW/SFUSD was supplying to the Commission?

19 A I did not.

20 Q Do you know if anyone did?

21 A I believe at that point, during the time of the
22 response preparation, Nicole Sawaya became General Manager
23 of the station and she would have overseen that.

24 Q So, at that point, once Nicole became General
25 Manager, if any communications had been made with Jackie

1 Wright, they would have been made by Nicole and not by you?

2 A Correct.

3 Q But prior to the time Nicole came on board, you
4 have no recollection, one way or the other, as to whether or
5 not you brought to Jackie Wright's attention the FCC
6 directives and any responses that SFUSD was going to give to
7 the Commission?

8 A At that point I did not, no. I did have reason to
9 believe that they knew but I did not.

10 Q When you say you have reason to believe they knew,
11 do you mean that Jackie Wright would have known through some
12 independent means that the Commission was making these
13 inquiry/directives?

14 A I believe that --

15 MS. REPP: Do you have a concern about
16 attorney/client privilege?

17 THE WITNESS: It's -- I would have assumed --
18 well, yes, in the sense of I don't believe that I'm the only
19 person our attorney spoke with regarding KALW.

20 MR. SHOOK: Very good. I have nothing further.

21 MS. REPP: Bill, if I could take a few moments to
22 do a few follow-up questions.

23 MR. SHOOK: Okay. As a deponent you never escape.

24 BY MS. REPP:

25 Q In terms of the people who formed Golden Gate

1 Public Radio, do you recall the names of some of the
2 individuals who said that they were members of that
3 organization?

4 A I recall that there were three members, Jason
5 Lopez, Deirdre Kennedy and Mel Baker.

6 Q Are any of those three persons still associated
7 with KALW?

8 A Jason Lopez has a radio show that is on KALW.

9 Q And Deirdre Kennedy?

10 A No association with KALW?

11 Q Is that the same with Mel Baker?

12 A Same with Mel Baker.

13 Q So, you have -- have you interacted with Mr.
14 Lopez?

15 A Extremely limited.

16 Q Was that through the period -- had you interacted
17 with Mr. Lopez prior to the 1997 renewal challenge?

18 A Prior to the renewal challenge it was pretty much
19 limited to, like I had said before, assigning him to as
20 needed announcerships at the radio station. Since 1997,
21 very limited.

22 Q Very limited. Do you have an opinion as to why
23 Mr. Lopez filed or participated in the filing of the GGPR
24 petition?

25 A My opinion is he's a very disgruntled person.

1 at it.

2 BY MS. REPP:

3 Q Mr. Helgeson, I am asking you to look at a
4 document that is among the documents at 3560 to 3565 of the
5 production request. This document is a Form 323E that has
6 been completed on behalf of San Francisco Unified School
7 District, stating, in response to Box 1 on page one, that
8 all the information furnished is reported as of January 31,
9 1999. And the second page of the form includes a
10 verification box with the name of licensee/permittee of San
11 Francisco Unified School District, title of the signatory is
12 Executive Director Office of Public Engagement, SFUSD. The
13 signature block appears to be Jackie Wright, and the date
14 handwritten is 3/7/2001.

15 Bill, do you know if this document is currently in
16 the Public Information File of the station?

17 A Yes, I believe it is.

18 Q Did you participate in the creation of this
19 document?

20 A Of this document, yes, I did.

21 Q Do you recollect when it was prepared?

22 A Late February, in February of 01. I don't recall
23 the exact date.

24 Q Do you recall what were the circumstances that
25 caused you to prepare the report at that time?

1 A Upon my 2000 -- in February 2001, reviewing
2 documents that were in the Public File, we believe there
3 should have been a Supplemental Ownership Report for 1999
4 and I did not see one. So, I took it upon myself to create
5 this one.

6 Q Where did you get the information to complete the
7 box on page two, which provided the names of officers,
8 members of governing board?

9 A I very well, I'm not 100 percent certain, I very
10 well, it only was two years prior, this was in 2001 and
11 we're looking at who was here in 1999, so probably just from
12 memory pretty much the same board in 2001 that there was in
13 1999. As a matter of course we also print the names of all
14 the board members in our Program Guide each quarter, so I
15 might have referred to a Program Guide from that period of
16 time. So, a combination of memory at that point plus
17 Program Guide most likely.

18 Q Did you witness the signing of this Ownership
19 Report?

20 A I believe Jackie Wright came to the station and
21 signed it.

22 Q Do you recollect discussing with Jackie Wright at
23 the time what the purpose of the report was?

24 A Yes. And I explained to her that this is a
25 document that I could not find a copy of and it should have

1 been in the Public File, and said we were creating this.

2 Q And that's why the document is dated 3/7/2001,
3 that's when you believe she signed?

4 A Yes, absolutely.

5 Q Jackie Wright --

6 A Jackie Wright didn't start working for the
7 District until 2001, yes.

8 Q Okay. I'd like to next have you review another
9 document which is the Form 323E Ownership Report, it's also
10 within the documents numbered 3560 to 3565, and this is
11 entitled, it's an Ownership Report for San Francisco Unified
12 School District, all information reported, it's furnished as
13 of July 31, 2000.

14 MS. REPP: If we could go off the record.

15 (Off the record at 3:08 p.m.)

16 (Back on the record at 3:08 p.m.)

17 MS. REPP: Back on the record.

18 BY MS. REPP:

19 Q Bill, we are looking at a report dated as of July
20 31, 2000 for San Francisco Unified School District, Form
21 323E. Is it your understanding that a copy of this is on
22 file in the station's Public Information File?

23 A Yes, it is.

24 Q Do you recollect the circumstances of the
25 preparation of this report?

1 A I recognize that in February 2001, upon inspecting
2 the Public File I believe there should have been a new
3 Supplemental Ownership Report filed due to a change in the
4 makeup of the board, and, at that point, and so I created
5 this form and Jackie Wright then, presented it to Jackie
6 Wright to sign.

7 Q So, you were there when Jackie Wright signed this
8 document?

9 A Yes.

10 Q Most of the Supplemental Ownership Reports for the
11 District have been dated as of January of the calendar year
12 to reflect a change in board members, due to elections the
13 prior November. Do you recollect why this report is dated
14 as of July 31, instead of a January date?

15 A Periodically, and I've have to -- I don't recall
16 but, sometimes a board member would change because they
17 would resign and there would have to be -- somebody else
18 would be appointed midterm by the Mayor. And so there would
19 be a change in the makeup of the board, even though it
20 wasn't as a result of an election. And I don't recall who,
21 I'd have to compare this one to the one that would have been
22 the previous period to find out who that one person was.

23 Q When you were preparing the report in March of
24 2001, how would you have known that there was a change in
25 the board membership back in July of 2000?

1 A Given that it was less than a year before by that
2 point, our memory was still pretty good of who was on the
3 board or who had just become recently on the board. And
4 also, again, could refer to a Program Guide, since we list
5 the names of the board members on that Program Guide.

6 Q Besides putting a copy of this Ownership Report in
7 the Public Information File, would you have filed it with
8 the FCC?

9 A We would have filed it with the FCC.

10 Q Would you have personally submitted it?

11 A Perhaps. I don't recall if I did or the General
12 Manager did.

13 Q Would you typically have a transmittal letter?

14 A Not typically. I don't recall other than mailing
15 it, I don't recall the format for mailing it.

16 Q And you would have placed this report for 2000 in
17 the Public Information File in the station on or about March
18 7, 2001?

19 A True.

20 Q A copy thereof?

21 A Copies, yeah.

22 Q Where would you have put the original?

23 A The original would have gone in the envelope to
24 the FCC.

25 Q Likewise, going back to the report we just

1 discussed previously in 1999 that was also executed in Marc
2 of 2000, would you have, in the normal course, submitted a
3 copy of that report to the FCC?

4 A Not a copy, the original.

5 Q The original.

6 MR. SHOOK: Just for clarification sake, you had
7 mentioned March 2000 and I take it you meant March 2001.

8 MS. REPP: I did mean March 2001. Thank you.

9 THE WITNESS: I didn't catch that either.

10 BY MS. REPP:

11 Q I want to turn to one more document, which is also
12 a Form 323E, and the information is furnished, reported as
13 of January 31, 2001, the signature block on page two is San
14 Francisco Unified School District, the title is Executive
15 Director Office of Public Engagement, SFUSD. The signature
16 appears to be that of Jackie Wright. The date is 3/7/2001.
17 And there's a signature block, there's a block in response
18 to members of the governing board that has Arlene Ackerman,
19 Hernandez, Kelley, Mar, Wynns, Cha, Chen, and Sanchez?

20 A Yes.

21 Q Bill, you're looking at a report that's a Form
22 323E for which information is provided as of January 31,
23 2001, which is executed on page two on 3/7/2001. Did you
24 prepare this report?

25 A This report I prepared.

1 Q And what were the circumstances of the preparation
2 of this report?

3 A Upon reviewing the Public File and what I believe
4 the documents should have been in there, I believe this
5 document, I should have been able to find this document but
6 I did not. So, upon not finding it, we did create this
7 document, I did.

8 Q Why did you feel that this document needed to be
9 created?

10 A Because there had been a change on the ownership,
11 there had been a change among the board members, I believe,
12 from the previous one.

13 Q When you say you reviewed the Public Information
14 File, that would have been about February or March of 2001?

15 A Yes.

16 Q Did you personally type up this report?

17 A I believe I personally typed up this report, yes.

18 Q And again, did you determine the information, I
19 guess this would have been very fresh in your mind --

20 A This would have, yes. Effectively, the current
21 board as of the date Jackie Wright signed it, yes.

22 Q And you presented this report to Jackie Wright
23 when she visited KALW on March 7th, 2001?

24 A I don't -- I'm just -- that's an assumption that
25 she visited the station. We very well could have taken the

1 information down to her at her office.

2 Q Did you witness Jackie Wright signing this
3 document?

4 A Yes, I think I remember seeing her sign it.

5 Q And what would you have done with the original?

6 A The original would have been sent to the FCC
7 address in Washington, and a photocopy would have been put
8 in the Public File.

9 Q At the same time it was sent?

10 A Yes.

11 Q One other individual who has also provided
12 information on behalf of GGPR in the form of a declaration
13 is Michael Johnson. Are you aware of his participation in
14 the documentation submitted in the renewal challenge?

15 A I understand there was some, he was not, as I
16 know, a member of GGPR but he signed pieces of paper as part
17 of their challenge.

18 Q Do you have an opinion as to why Mr. Johnson may
19 have participated in the renewal challenge?

20 A Mr. Johnson is a talented man who is very
21 disgruntled. Again, I think he was upset with management of
22 the radio station and felt he could be doing a better job
23 than the management that was in place at the time, and felt
24 he might have been passed, he may unfairly have been passed
25 over for the job, for management jobs.

ATTACHMENT D

EXCERPTS FROM DEPOSITION OF JEFFREY RAMIREZ

**UNITED STATES
FEDERAL COMMUNICATIONS COMMISSION**

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KALW (FM), SAN FRANCISCO,)
CALIFORNIA)

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Deposition of: Jeffrey Ramirez

Pages: 1 through 141
Place: Washington, D.C.
Date: November 9, 2004

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1 A Correct.

2 Q Did you have an understanding at the time
3 you were looking at the renewal application that
4 perhaps some of the documents that were supposed to be
5 in the public file had not been there at the
6 appropriate times?

7 A I think that that's -- this is where I
8 misunderstood the question.

9 Q What did you understand the question to ask?

10 A What I understood the question to ask was
11 that upon my becoming aware that the file needed to be
12 corrected and be made complete, that was the
13 appropriate time. So, I did everything I could do
14 while general manager to complete the file, because to
15 the degree that I wasn't at the station before August
16 1996, I couldn't do anything about the public file. I
17 could only take corrective action, and the appropriate
18 time to take corrective action was when I was there.

19 Q Do you have a different understanding now?

20 A For sure.

21 Q What is your understanding now?

22 A Given the passage of time, given the
23 knowledge that I have from the Corporation for Public
24 Broadcasting, working with the folks in our community
25 service grants area who need to certify stations to

1 receive grants that they're in compliance, yeah, I
2 have a different understanding of the rule now.

3 Q So if you take your current understanding
4 and you bring yourself back to late July 1997, which
5 box are you going to be checking then for that
6 Question No. 2?

7 A I would have checked no, and I would have
8 provided an explanation for the station's current
9 situation at the time and what I saw, what I would do
10 today. Given what I know today, what I would have
11 done seven years ago would have been in accordance
12 with the way we do business at the CPB, which is to
13 explain, explain, explain, put things in writing, put
14 your thinking down on paper. I didn't do that back in
15 1997.

16 Q I have been periodically referring to a
17 petition to deny. Do you recall such a document
18 coming to your attention?

19 A Yes.

20 Q I take it it was a subject of some turmoil,
21 or it caused some turmoil as a result?

22 A It was a huge distraction.

23 Q If you could step back in time and give us
24 what your understanding of the context of that
25 document was? Why were people within your own